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28 Attorneys for Plaintiff
1 BENNY NIETO

2 **UNITED STATES DISTRICT COURT**
3
4 **EASTERN DISTRICT OF CALIFORNIA**

5 BENNY NIETO, an individual,

6 CASE NO. 1:20-cv-01408-DAD-JLT

7 Plaintiff,

8 **[PROPOSED] ORDER PERMITTING**
9 **PLAINTIFF TO SERVE AND FILE FIRST**
10 **AMENDED COMPLAINT**

11 (Doc. 7)

12 vs.

13 PERFORMANCE FOOD GROUP, INC.;
14 KENNETH O. LESTER COMPANY, INC. and
15 DOES 1 through 50, inclusive,

16 Defendants.

1 **[PROPOSED] ORDER**

2 Based on the Stipulation between Plaintiff Benny Nieto (“Plaintiff”) and Defendants
3 Performance Food Group, Inc. and Kenneth O. Lester Company, Inc. (“Defendants”) Permitting
4 Plaintiff to Serve and File First Amended Complaint (“FAC”), and for good cause appearing,

5 **IT IS HEREBY ORDERED** that:

6 (1) Plaintiff shall be permitted to serve and file a FAC within twenty-one (21) days of
7 the Court’s entry of this Order;

8 (2) Defendants shall be permitted to respond to Plaintiff’s FAC, by serving and filing
9 an answer or otherwise serving and filing any motions or other pleadings responsive to the FAC,
10 within twenty-one (21) days of the service and filing of the FAC; and

11 (3) By entering into their Stipulation, Plaintiffs and Defendants shall not waive and
12 expressly reserve all claims, defenses and challenges in this action, including, without limitation,
13 challenges to the FAC.

14 **IT IS SO ORDERED.**

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16 Dated: November 5, 2020



JENNIFER L. THURSTON
U.S. MAGISTRATE JUDGE

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